

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

**Plaintiffs' Master Administrative Long-
Form Complaint and (if applicable)**

Bryan Caldwell

v. National Football League [et al.],

No. 2:13-cv-05200-AB

SHORT FORM COMPLAINT

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

JURY TRIAL DEMANDED

SHORT FORM COMPLAINT

1. Plaintiff(s), Clive Bullian, (and, if applicable, Plaintiff's Spouse) Kay Bullian, bring(s) this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff (and, if applicable, Plaintiff's Spouse) is/are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff (and, if applicable Plaintiff's Spouse), incorporate(s) by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. [Fill in if applicable] Plaintiff is filing this case in a representative capacity as the _____ of _____, having been duly appointed as the _____ by the _____ Court of _____. (Cross out sentence below if not applicable.) Copies of the Letters of Administration/Letters Testamentary for a wrongful death claim are annexed hereto if such Letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

5. Plaintiff, Clive Bullian, is a resident and citizen of Gold Beach, Oregon and claims damages as set forth below.

6. [Fill in if applicable] Plaintiff's spouse, Kay Bullian, is a resident and citizen of Gold Beach, Oregon and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband/decedent.

7. On information and belief, the Plaintiff (or decedent) sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers (or decedent suffered) from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff (or decedent) sustained during NFL games and/or practices. On information and belief, the Plaintiff's (or decedent's) symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. [Fill in if applicable] The original complaint by Plaintiff(s) in this matter was filed in Los Angeles County Superior Court. If the case is remanded, it should be remanded to Los Angeles County Superior Court.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☒ Injury to Herself/Himself
- ☐ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action
- ☒ Economic Loss
- ☐ Loss of Services
- ☐ Loss of Consortium

10. [Fill in if applicable] As a result of the injuries to her husband,
Clive Bullian, Plaintiff's Spouse, Kay Bullian, suffers from a
loss of consortium, including the following injuries:

- ☒ loss of marital services;
- ☒ loss of companionship, affection or society;
- ☒ loss of support; and
- ☒ monetary losses in the form of unreimbursed costs she has had to expend for the
health care and personal care of her husband.

11. [Check if applicable] ☒ Plaintiff (and Plaintiff's Spouse, if applicable)
reserve(s) the right to object to federal jurisdiction.

DEFENDANTS

12. Plaintiff (and Plaintiff's Spouse, if applicable) bring(s) this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League
- ☒ NFL Properties, LLC
- ☒ Riddell, Inc.
- ☒ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)
- ☒ Riddell Sports Group, Inc.
- ☒ Easton-Bell Sports, Inc.
- ☒ Easton-Bell Sports, LLC
- ☒ EB Sports Corporation
- ☒ RBG Holdings Corporation

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: ☒ design defect; ☒ informational defect; ☒ manufacturing defect.

14. [Check if applicable] ☒ The Plaintiff (or decedent) wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff played in [check if applicable] ☒ the National Football League ("NFL") and/or in [check if applicable] ☐ the American Football League ("AFL") during

1957-1960 Seasons _____ for the following teams: San Francisco 49'ers

Pittsburgh Steelers and Dallas Cowboys

_____.

CAUSES OF ACTION

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- ☒ Count I (Action for Declaratory Relief – Liability (Against the NFL))
- ☒ Count II (Medical Monitoring (Against the NFL))
- ☐ Count III (Wrongful Death and Survival Actions (Against the NFL))
- ☒ Count IV (Fraudulent Concealment (Against the NFL))
- ☒ Count V (Fraud (Against the NFL))
- ☒ Count VI (Negligent Misrepresentation (Against the NFL))
- ☒ Count VII (Negligence Pre-1968 (Against the NFL))
- ☐ Count VIII (Negligence Post-1968 (Against the NFL))
- ☐ Count IX (Negligence 1987-1993 (Against the NFL))
- ☐ Count X (Negligence Post-1994 (Against the NFL))

- ☒ Count XI (Loss of Consortium (Against the NFL and Riddell Defendants))
- ☒ Count XII (Negligent Hiring (Against the NFL))
- ☒ Count XIII (Negligent Retention (Against the NFL))
- ☒ Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- ☒ Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- ☒ Count XVI (Failure to Warn (Against the Riddell Defendants))
- ☒ Count XVII (Negligence (Against the Riddell Defendants))
- ☒ Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against All Defendants))

17. Plaintiff asserts the following additional causes of action [write in or attach]:

PRAYER FOR RELIEF

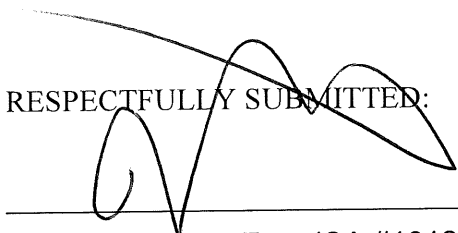
WHEREFORE, Plaintiff (and Plaintiff's Spouse, if applicable) pray(s) for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

JURY DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

RESPECTFULLY SUBMITTED:



David A. Rosen, Esq. (CA #101287)

Attorneys for Plaintiff(s)

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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 801 South Grand Avenue, Eleventh Floor, Los Angeles, California 90017-4645.

On February 25, 2014, I served the foregoing document described as SHORT FORM COMPLAINT (CLIVE BULLIAN) on all interested parties in this action by placing

☐ a true copy
☐ the original

thereof enclosed in sealed envelopes addressed as follows on the attached list:

☐ (BY MAIL, 1013a, 2015.5 C.C.P.)
I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL DELIVERY)
I personally caused to be served such sealed envelope(s) by hand to the offices of the addressee(s).

☒ (COURT'S CM/ECF SYTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the interested parties listed below.

☒ (FEDERAL)
I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 25, 2014, at Los Angeles, California.


Debra Gorman